

County of Tyler except during the period from November 16th to December 31st of each year.

Sec. 2. It shall be lawful for any person to make use of a dog or dogs in the hunting, pursuing or taking of any buck deer in the above-named County during the open season.

Sec. 3. Any person violating this Act shall be deemed guilty of a misdemeanor, and upon conviction shall be fined a sum of not less than Fifty Dollars (\$50) nor more than Two Hundred Dollars (\$200).

Sec. 4. All laws or parts of laws in conflict herewith are repealed.

Sec. 5. The fact that the present law or laws governing deer in said County are insufficient, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended, and said Rule is hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

Passed the House, April 5, 1949: Yeas 131, Nays 0; passed the Senate,

May 12, 1949: Yeas 30, Nays 0.

Approved June 7, 1949.

Effective June 7, 1949.

## FOUNDATION SCHOOL PROGRAM

### CHAPTER 334

S. B. No. 116

An Act to provide a minimum Foundation School Program for the public free schools of the State; defining and outlining what will constitute the minimum Foundation School Program; providing professional units; providing a method of determining the number of professional units for which a school district is eligible; providing a division for Special Education in the State Department of Education; providing a new minimum salary schedule, with increments for experience and college training; requiring payment of the salary schedule as a condition precedent to participation in the foundation school fund and for accreditation; making provision for school operating expenses in the districts qualifying hereunder; providing for State transportation aid and the conditions and provisions thereof; making provision for purchase by the Board of Control of school buses, chassis, bodies, tires and tubes, for districts participating hereunder, and for the issuance of warrants by the school districts, in certain cases; making provision for financing the Foundation School Program, including the amount to be charged annually to the local school districts of the State, and the method by which each district shall be required to pay its proportionate part of such program, based upon financial ability of such districts; providing in connection therewith, an economic index for the several counties of the State and for revision thereof, at regular intervals; providing the method for apportioning the amount of local participation among the several school districts in each county, and other circumstances to be taken into consideration in connection therewith, and for reports and information to be submitted to the State Commissioner of Education; preserving the status of private or parochial schools, operating in the State of Texas; defining what shall constitute dormant school districts, for the purposes of this Act, and providing for and requiring consolidation by the County Board of School Trustees of the several counties of the State of such dormant districts; providing for a Board of Trustees for the consolidated districts thus formed, and for the record of the consolidation order and the provisions thereof, and for elections to adjust bonds, if any, of such districts, and for bond and local tax elections; providing for inclusion in school districts, by the County Board of Trustees, of all lands not situated within the limits of a school district; providing for appeal from the Central Education Agency to a Court of competent jurisdiction of Travis County and the method of appeal; authorizing the State Board of Education, State Board of Vocational Education and State Commissioner of Education to require reports and make rules and regulations to car-

ry out the provisions hereof, not inconsistent herewith; authorizing the State Commissioner of Education to determine the amount of funds to which each district is eligible hereunder, and to approve warrants in such amount; providing for administration hereof by the State Auditor until appointment and qualification of the State Commissioner of Education, as provided by Senate Bill No. 115, Acts of the 51st Legislature, making appropriation to the State Auditor for the purpose of carrying out the provisions of this Act, authorizing the employment of personnel necessary therefor, and requiring reports by the State Auditor to the Legislative Audit Committee; providing for reports to the State Auditor by the State Board of Education, State Departments, school officials and employees; providing that any person convicted of confiscation, misappropriation or conversion of funds, after same are received by a school district or County Board of School Trustees, shall be guilty of a felony and shall be punished by confinement in the State Penitentiary for a period of not less than one (1), nor more than five (5) years; providing the same punishment for false statements, records and reports knowingly made, as required by this Act; providing that other violations of the provisions of this Act shall constitute a misdemeanor and be punished by fines of not less than One Hundred (\$100.00) Dollars, nor more than One Thousand (\$1,000.00) Dollars; and providing penalties for the offense of false swearing; repealing all laws or parts of laws in conflict herewith, to the extent of such conflict; providing that if any section or sub-section, clause, sentence or paragraph, is found unconstitutional or invalid, declaring the remainder shall, nevertheless, remain in full force and effect; reciting an emergency and imperative public necessity, and providing that this Act shall take effect and be in force from and after its passage.

*Be it enacted by the Legislature of the State of Texas:*

#### Article I.<sup>60</sup>

##### Purpose.

Section 1. This Act shall be known as the Foundation School Program Act. It is the purpose of this Act to guarantee to each child of school age in Texas the availability of a minimum Foundation School Program for nine (9) full months of the year, and to establish the eligibility requirements applicable to Texas public school districts in connection therewith.

#### Article II.<sup>61</sup>

##### Finance.

Section 1. Appropriations enacted by the Legislature for the promotion of the educational opportunities afforded by the State of Texas under this Foundation School Program Act shall be paid in accordance with the requirements and in the manner provided in this Act and any subsequent amendments thereto.

##### Professional Positions and Services.

Sec. 2. To effectuate the Foundation School Program proposed and guaranteed herein, school districts are authorized to utilize the following professional positions and services:

##### A. Professional Positions.

1. Classroom teachers.
2. Vocational teachers.
3. Special service teachers, among which shall be included librarians, school nurses, school physicians, visiting teachers, and itinerant teachers.
4. Teachers of exceptional children.
5. Supervisors and/or Counsellors.

<sup>60</sup> Vernon's Ann.Civ.St. art. 2922—11.

<sup>61</sup> Vernon's Ann.Civ.St. art. 2922—12.

6. Principals, part-time.
7. Principals, full-time.
8. Superintendents.

B. Services.

1. Current operating cost other than professional salaries and transportation.
2. Transportation.

Provided that the total number of professional units allotted to each district shall be the sum of the professional units, hereinafter prescribed, for classroom teachers, vocational teachers, special service teachers, teachers of exceptional children, supervisors and/or counsellors, full-time principals and superintendents. Such professional unit allotments shall be contingent upon the employment of qualified personnel and upon the payment of not less than the minimum salary as hereinafter prescribed.

No district will be required to employ professional personnel for the full number of professional units for which it is eligible, but where a fewer number are employed, grants shall be based upon the number actually employed during the current school year.

Article III.<sup>62</sup>

**Professional Units.**

Section 1. The number of professional units allotted for the purpose of this Act to each school district, except as otherwise provided herein, shall be based upon and determined by the average daily attendance for the district for the next preceding school year, separate for whites and separate for negroes. Such allotments based upon white attendance shall be utilized in white schools, and allotments based upon negro attendance shall be utilized in negro schools. Provided, that where a school district is consolidated or contracted with another district, or where a school district or part of a school district is annexed to another district or districts, or where the number of grades taught has been reduced, or where scholastics are transferred to another district, or where there is an annual fluctuation in the attendance in a district, or where for any reason there is a marked increase or decrease in the attendance of any school district, adjustments in professional allotments shall be made by the State Commissioner of Education, and subsequent to the 1949-1950 school year such adjustments shall be subject to the rules and regulations of the State Board of Education with respect thereto. Provided that attendance in grades not classified to be taught by the County School Board shall not be included in determining professional unit eligibility.

Provided that the attendance of non-resident scholastics whose grades are taught in their home districts shall not count towards teacher eligibility, unless the transfer of such scholastics has been approved by the County School Board and the State Commissioner of Education.

Provided further, that any school district which is not a dormant school district as defined in Article VIII of this Act may, subject to the approval of the boards of trustees of the districts concerned, the County School Superintendent, and the State Commissioner of Education, contract for a period of one year to transfer its entire scholastic enrollment, both white and colored, to a contiguous district. The scholastic census rolls of both districts shall be combined, the per capita apportionment shall be paid direct to the receiving school, and the combined average

<sup>62</sup> Vernon's Ann.Civ.St. art. 2922-13.

daily attendance shall be used in determining the number of professional units for which the receiving district shall be eligible.

Provided further, that any school district containing one hundred (100) square miles or more and having fewer than one (1) pupil per square mile, and which is now equipped with school facilities to maintain, and is now operating and maintaining a four-year accredited high school, may be allotted by the State Commissioner of Education as many professional units as were provided during the school year 1948-1949; provided that the State Commissioner of Education shall take into consideration the density and distribution of population in the district, road conditions, and the proximity of the school to another four-year accredited high school in making such allotments.

Provided further, that for the school year 1949-1950, and for such school year only, a school district, containing a private or parochial school, which received salary aid from the State Equalization Fund for the 1948-1949 school year and was eligible for more teachers for the 1948-1949 school year than it is under the general provisions of this Act for the 1949-1950 school year, shall be approved for professional units in a number not to exceed its 1948-1949 eligibility, provided that such professional unit eligibility shall not exceed one classroom teacher unit for each twenty (20) pupils in average daily attendance in the public schools of the district for the 1948-1949 school year.

(1) **Classroom teacher units.** Classroom teacher professional units for each school district, separate for whites and separate for negroes, shall be determined, and teachers allotted in the following manner:

a. School districts having fewer than fifteen (15) pupils in average daily attendance shall not be eligible for any classroom teacher units, except that in cases of extreme hardship, such districts may be allotted on a year to year basis one classroom teacher unit if so recommended by the County Board of Education and approved by the State Commissioner of Education;

b. School districts having from fifteen (15) to twenty-five (25) pupils, inclusive, in average daily attendance, one (1) classroom teacher unit;

c. School districts having from twenty-six (26) to one hundred nine (109) pupils, inclusive, in average daily attendance, two (2) classroom teacher units for the first twenty-six (26) pupils and one (1) classroom teacher unit for each additional twenty-one (21) pupils (No credit for fractions);

d. School districts having from one hundred ten (110) to one hundred fifty-six (156) pupils, inclusive, in average daily attendance, six (6) classroom teacher units;

e. School districts having from one hundred fifty-seven (157) to four hundred forty-four (444) pupils, inclusive, in average daily attendance, one (1) classroom teacher unit for each twenty-four (24) pupils, or a fractional part thereof in excess of one-half ( $\frac{1}{2}$ );

f. School districts having from four hundred forty-five (445) pupils to four hundred eighty-seven (487) pupils, inclusive, in average daily attendance, nineteen (19) classroom teacher units;

g. School districts having from four hundred eighty-eight (488) to one thousand, five hundred twelve (1,512) pupils, inclusive, in average daily attendance, one (1) classroom teacher unit for each twenty-five (25) pupils, or a fractional part thereof in excess of one-half ( $\frac{1}{2}$ );

h. School districts having from one thousand, five hundred thirteen (1,513) to one thousand, five hundred ninety-nine (1,599) pupils, inclusive, in average daily attendance, sixty-one (61) classroom teacher units;

i. School districts having one thousand, six hundred (1,600) or more pupils in average daily attendance, one (1) classroom teacher unit for

each twenty-six (26) pupils, or a fractional part thereof in excess of one-half ( $\frac{1}{2}$ ).

(2) **Vocational Teacher Units.** Vocational teacher professional units for each school district, separate for whites and separate for negroes, shall be determined and teachers allotted in the following manner:

a. Each four-year accredited high school shall be eligible, subject to the provisions of the State Plan for Vocational Education as approved by the State Board of Vocational Education, for two (2) vocational teacher units to teach one or more vocational programs in agriculture, home economics, trades and industries, or distributive education, provided there is a need thereof, and provided the programs shall have been approved by the State Commissioner of Education.

b. Additional vocational teacher units for four-year accredited high schools may be allotted according to needs determined by a survey of the community and approved by the State Commissioner of Education.

c. Each unaccredited high school and each high school classified lower than a four-year high school may be eligible, according to the provisions of said State Plan for Vocational Education, for vocational teacher units to teach one or more vocational programs in agriculture, home economics, trades and industries, and distributive education in the number to be determined by the State Commissioner of Education.

d. Provided that a district, having either an accredited or unaccredited high school, which qualifies, according to said State Plan for Vocational Education, for less than one (1) vocational agriculture, home economics, trades and industries, or distributive education teacher unit, may be allotted, by the State Commissioner of Education, a fractional part of a nine-months vocational teacher professional unit. A fractional part of a vocational teacher professional unit shall entitle a district to employ a part-time vocational teacher or to assign a classroom teacher to serve as part-time vocational teacher.

Provided that the vocational teacher unit allotments, except classroom teachers who also serve as part-time vocational teachers, shall be made in addition to other professional unit allotments.

(3) **Special Service Teacher Units.** Special Service teacher professional units for each school district, separate for whites and separate for negroes, shall be determined and teachers allotted in the following manner:

a. Such allotments shall be based upon the number of approved classroom teacher units, separate for whites and separate for negroes.

b. Districts which have twenty (20) or more approved classroom teacher units shall be eligible for one (1) special service teacher unit for each twenty (20) classroom teacher units. (No credit for fractions).

c. Districts not eligible for a full special service teacher unit may enter, by vote of their respective boards of trustees, into one cooperative agreement to provide special service teachers, as prescribed in paragraph (b) of this subsection, to be recommended and supervised by the County School Superintendent, and employed by the County School Board. The State Commissioner of Education shall, upon certification of such agreement by the County Superintendent of Schools, allot to each district party to such agreement a fractional part of a special service teacher unit, said fraction to be not greater than the number of approved classroom teacher units for that district divided by twenty (20).

d. Provided that school districts may choose from the five types of special service teacher units listed in Section 2 of Article II of this Act, sub-section A-3, the number of each classification that it desires, to the extent of total eligibility for such units and the allocation of special service teacher units shall not preclude the assignment of classroom

teachers to special service duties. The State Commissioner of Education shall establish qualifications of special service teachers and subsequent to the 1949-1950 school year such qualifications shall be subject to regulations made by the State Board of Education.

Provided further, that the special service teacher unit allotments provided for herein shall be made in addition to other professional unit allotments.

(4) **Exceptional Children Teacher Units.** Exceptional children teacher units, special or convalescent, for each school district, separate for whites and separate for negroes, shall be allotted as follows:

a. It is the purpose of this allotment of exceptional children teacher units to provide competent educational services for the exceptional children in Texas between and including the ages of six (6) and seventeen (17), for whom the regular school facilities are inadequate or not available.

In interpreting and carrying out the provisions of this Act, the words "exceptional children" wherever used, will be construed to include any child of educable mind whose bodily functions or members are so impaired that he cannot be safely or adequately educated in the regular classes of the public schools, without the provision of special services. For the purpose of this Act, the term "exceptional children" shall not include those children who are eligible for the State Schools for the Deaf, the Blind or the Feeble-minded. The term "special services" may be interpreted to mean transportation; special teaching in the public school curriculum; corrective teaching, such as lip reading, speech correction, sight conservation, and corrective health habits; and the provision of special seats, books and teaching supplies, and equipment required for the instruction of exceptional children.

b. In any school district where the parents of the required number of any type of exceptional children, or types which may be taught together, petition the Board of Education of that district for a special class, it shall be the duty of such Board to request the State Commissioner of Education to cooperate in the establishment of such class or classes. The State Commissioner of Education shall allot for the 1949-1950 school year to such district such number of exceptional children teacher units as shall be necessary to operate special or convalescent classes for exceptional children within said district, provided that subsequent to 1949-1950 such allotments shall be pursuant to rules and regulations adopted by the State Board of Education. Provided that districts not eligible for a full exceptional children teacher unit may enter, by vote of their respective Boards of Trustees, into one cooperative agreement to provide exceptional children teacher units, such units to be approved by the County School Superintendent. The teacher for an exceptional children teacher unit shall be employed by the Board of Trustees of the district in which the class is to be taught, and such unit shall be administered solely and exclusively by the Superintendent of such district. The State Commissioner of Education upon certification of such agreement by the County School Superintendent, shall allot to each district party to such agreement a fractional part of an exceptional children teacher unit, provided that the sum of such units so allotted shall not be greater than the number of units for which said district would be eligible provided no cooperative agreement existed.

c. There is hereby created in the State Department of Education a Division of Special Education. There shall be appointed by the State Commissioner of Education a Director for the Division of Special Education. No person shall be employed to teach any class for exceptional children as defined in this Act unless he possesses a valid teachers certi-

ficcate and, in addition thereto, such training as the State Commissioner of Education may require.

Provided that allotments for exceptional children teacher units provided for herein shall be made in addition to other professional unit allotments.

**5. Supervisor and/or Counsellor Units.** Supervisor and/or Counsellor professional units for each school district, separate for whites and separate for negroes, shall be determined and supervisor and/or counsellor units allotted in the following manner:

a. One (1) supervisor or counsellor unit for the first forty (40) classroom teacher units and one (1) supervisor or counsellor unit for each additional fifty (50) classroom teacher units, or major fractional part thereof. If a district is eligible for one such unit, the district may employ for such unit either a supervisor or a counsellor, but not both. If a district is eligible for two or more such units, the district may employ supervisors only, counsellors only, or a combination of the two to the extent of total eligibility. The State Commissioner of Education shall establish qualifications of supervisors and counsellors and subsequent to the 1949-1950 school year such qualifications shall be subject to regulations made by the State Board of Education.

b. Districts having fewer than forty (40) classroom teacher units may enter, by vote of their respective Boards of Trustees, into one cooperative agreement to provide supervisors and/or counsellors to be recommended and supervised by the County School Superintendent and employed by the County School Board. Under such agreements the combined classroom teacher units of the cooperating districts shall be used in calculating eligibility for supervisor and/or counsellor units, provided that if the county employs a supervisor from the county administrative funds, forty (40) classroom teacher units shall be deducted from the combined total. The State Commissioner of Education shall, upon certification of such agreement by the County School Superintendent, allot to each district party to such agreement a fractional part of a supervisor or counsellor unit, said fraction to be not greater than the number of approved classroom teacher units for that district divided by forty (40).

Allotments of supervisor or counsellor units shall be made in addition to other professional unit allotments.

**6. Principal Units.** Principal units shall be of two types, to-wit: (1) Full-time principal units; and (2) Part-time principal units. A part-time principal unit shall entitle a district to assign a classroom teacher to serve as a part-time principal and to receive an additional salary allowance therefor as herein provided. Principal units for each school district, separate for whites and separate for negroes, shall be determined and allotted in the following manner:

a. No district having fewer than three (3) approved classroom teacher units shall be eligible for a principal allotment.

b. In districts having from three (3) to nineteen (19) classroom teacher units and not having an accredited four-year high school, one part-time principal unit shall be allotted.

c. In a district having from nine (9) to nineteen (19) classroom teacher units and having a four-year accredited high school, two (2) part-time principal units; provided, however, additional part-time principal units shall be allotted, if necessary, to the extent that at least one part-time principal will be available for each campus on which a school with more than two (2) classroom teachers is operated in the district.

d. In districts having twenty (20) or more approved classroom teacher units, there shall be allotted one (1) full-time principal unit for the first twenty (20) classroom teacher units, and one (1) full-time

principal unit for each additional thirty (30) classroom teacher units. In computing allotments for principals, no consideration shall be given to fractions.

In addition to full-time principal unit allowances provided in this subsection, one (1) of the first twenty (20) classroom teachers, and one (1) of each additional thirty (30) classroom teachers, in addition to part-time classroom duties, may be designated to serve as part-time principal and receive an additional allowance therefor as hereinafter provided; however, additional part-time principal units shall be allotted, if necessary, to the extent that at least one full-time principal or part-time principal will be available for each campus on which a school with more than two (2) classroom teachers is operated in the district.

Provided that the principal unit allotments as hereinabove provided shall be based upon the number of approved classroom teacher units, separate for whites and separate for negroes.

Allotments of full-time principal units provided for herein shall be made in addition to other professional unit allotments.

**7. Superintendent Units.** Superintendent units for each school district shall be determined and allotted in the following manner:

a. No district which has neither a four-year white accredited high school nor a four-year negro accredited high school shall be eligible for a superintendent allotment.

b. A district having one or more four-year accredited high schools, either white or negro, shall be eligible for one (1) superintendent allotment. Superintendents shall serve the entire school district, both its whites and negroes.

Allotments for superintendent units as provided for herein shall be made in addition to other professional unit allotments.

#### ARTICLE IV.<sup>63</sup>

##### Salary Schedule.

Section 1. Beginning with the school year of 1949-50, the Board of Trustees of each and every school district in the State of Texas shall pay their teachers, both whites and negroes, upon a salary schedule providing a minimum beginning base salary plus increments above the minimum for additional experience in teaching as hereinafter prescribed. The salaries fixed herein shall be regarded as minimum salaries only and each district may supplement such salaries.

All teachers and administrators shall have a valid Texas certificate. Salary increments for college training shall be based upon training received at a college recognized by the State Commissioner of Education for the preparation of teachers.

Any law or parts of laws in conflict with Section I of Article IV of this Act are hereby repealed.

Provided that payment of at least the minimum salary schedule provided herein shall be a condition precedent: (1) to a school's participation in the Foundation School Fund; and (2) to its name being placed or continued upon the official list of affiliated or accredited schools. The annual salaries as provided herein may be paid in twelve (12) payments at the discretion of the local school boards.

The salary of each professional position listed in Section 2 of Article II of this Act shall be determined as follows:

1. **Classroom teachers.** The annual salary of classroom teachers shall be the monthly base salary, plus increments, multiplied by nine (9); provided that if the length of the school term is less than nine (9) months,

<sup>63</sup> Vernon's Ann.Civ.St. art. 2922-14.



the annual salary shall be such base salary and increments multiplied by the number of months in the term.

a. The minimum base pay for a classroom teacher who holds a Bachelor's Degree and no higher degree, shall be Two Hundred Sixty-seven (\$267.00) Dollars per month. Six (\$6.00) Dollars per month shall be added for each year of teaching experience not to exceed Seventy-two (\$72.00) Dollars per month.

b. The minimum base pay for a classroom teacher who has less than two (2) years of college training shall be One Hundred Fifty-five (\$155.00) Dollars per month. Six (\$6.00) Dollars per month shall be added for each year of teaching experience not to exceed Seventy-two (\$72.00) Dollars per month.

c. The minimum base pay for a classroom teacher who has two (2) but less than three (3) years of college training shall be One Hundred Eighty (\$180.00) Dollars per month. Six (\$6.00) Dollars per month shall be added for each year of teaching experience not to exceed Seventy-two (\$72.00) Dollars per month.

d. The minimum base pay for a classroom teacher who has three (3) or more years of college training but who does not hold a Bachelor's Degree shall be Two Hundred Five (\$205.00) Dollars per month. Six (\$6.00) Dollars per month shall be added for each year of teaching experience not to exceed Seventy-two (\$72.00) Dollars per month.

e. The minimum monthly base pay for a classroom teacher who holds a Master's Degree shall be Two Hundred Ninety-two (\$292.00) Dollars per month. Six (\$6.00) Dollars per month shall be added for each year of teaching experience not to exceed One Hundred Fifty-six (\$156.00) Dollars per month.

**2. Vocational Teachers.** a. The minimum monthly base pay and increments for teaching experience for a vocational teacher conducting a nine (9), ten (10), or twelve (12) months vocational program approved by the State Commissioner of Education shall be the same as that of a classroom teacher as provided herein; provided that vocational trade and industrial teachers having qualifications approved by the State Board of Vocational Education shall be eligible for the minimum monthly base pay for a classroom teacher who holds a recognized Bachelor's Degree and a valid teacher's certificate.

The annual salary of vocational teachers shall be the monthly base salary, plus increments, multiplied by nine (9), ten (10), or twelve (12), as applicable.

Provided that the minimum salaries hereinabove prescribed for vocational teachers mean total salaries of such teacher to be received for public school instruction, whether they be paid out of State and/or Federal funds.

Expenses where allowable shall be paid from a separate Vocational Fund. No such expense shall be counted as part of the cost of the minimum Foundation School Program.

**3. Special Service Teachers.** The minimum monthly base salary and increments for teaching experience for special service teachers shall be the same as those provided herein for classroom teachers. The annual salary of such teachers shall be the monthly base salary, plus increments, multiplied by nine (9).

Provided that a registered nurse shall be considered, for the purpose of computing salaries, as having a Bachelor's Degree; and that a librarian having a recognized certificate or degree based upon five (5) years of recognized college training therefor shall be considered as having a Master's Degree.

4. **Teachers of Exceptional Children.** The minimum monthly base salary and increments for teaching experience for teachers of exceptional children shall be the same as that prescribed in this Act for classroom teachers. The annual salary of such teachers shall be the monthly base salary, plus increments, multiplied by nine (9), except that in cases where the State Commissioner of Education approves such a unit for more than nine (9) months, the annual salary shall be the monthly base salary plus increments multiplied by the number of months approved by the State Commissioner of Education.

5. **Supervisors and/or Counsellors.** The minimum monthly base salary and increments for teaching experience for supervisors or counsellors shall be the same as that prescribed in this Act for classroom teachers, to which shall be added Thirty (\$30.00) Dollars per month. The annual salary for such supervisors or counsellors shall be the monthly base salary, plus increments, multiplied by ten (10).

6. **Principals.** a. **Principals in Districts Having no Accredited Two or Four Year High School.**

In such a district having from three (3) to five (5) classroom teacher units, inclusive, the designated classroom teacher who serves as part-time principal shall be paid an additional monthly salary allowance of Four (\$4.00) Dollars per month for each classroom teacher unit, and the annual salary of such part-time principal shall be the monthly base salary plus increments multiplied by nine (9); provided that if the length of the school term is less than nine (9) months, the annual salary shall be such base salary and increments multiplied by the number of months in the term.

In such a district having from six (6) to nineteen (19) classroom teacher units, inclusive, the designated classroom teacher who serves as part-time principal shall be paid an additional monthly salary allowance of Four (\$4.00) Dollars per month for each classroom teacher unit, but not to exceed Forty-eight (\$48.00) Dollars per month, and the annual salary of such part-time principal shall be the monthly base salary plus increments multiplied by ten (10); provided that if the length of the school term is less than nine (9) months the annual salary shall be such base salary and increments multiplied by the number of months in the term.

In such a district having twenty (20) or more classroom teacher units, the designated classroom teachers who serve as part-time principals shall be paid an additional monthly salary allowance of Forty-eight (\$48.00) Dollars per month, and the annual salary of such part-time principal shall be the monthly base salary plus increments multiplied by nine (9).

In such a district having twenty (20) or more classroom teacher units a full-time principal shall be paid an additional monthly salary allowance of Fifty (\$50.00) Dollars per month, and the annual salary of such full-time principal shall be the monthly base salary plus increments, multiplied by ten (10), except that the annual salary of one (1) such full-time principal shall be the monthly base salary plus increments multiplied by twelve (12).

b. **Principals in Districts Having a Two-Year Accredited High School, But No Four-Year Accredited High School.**

In such a district having nineteen (19) or fewer classroom teachers the designated classroom teacher who serves as part-time principal shall be paid an additional monthly salary allowance of Forty (\$40.00) Dollars per month, and the annual salary of such part-time principal shall be the monthly base salary plus increments multiplied by twelve (12).

In such a district having twenty (20) or more classroom teachers, the designated classroom teachers who serve as part-time principals shall be paid an additional monthly salary allowance of Forty-eight (\$48.00) Dol-

lars per month, and the annual salary of such part-time principals shall be the base salary plus increments multiplied by nine (9).

In such a district having from twenty (20) to twenty-nine (29) classroom teacher units, inclusive, the full-time principal shall be paid an additional monthly salary allowance of Sixty (\$60.00) Dollars per month and the annual salary of such full-time principal shall be the monthly base salary plus increments multiplied by twelve (12).

In such a district having from thirty (30) to forty-nine (49) classroom teachers, the full-time principal shall be paid an additional monthly salary allowance of Eighty (\$80.00) Dollars per month, and the annual salary of such full-time principal shall be the monthly base pay plus increments multiplied by twelve (12).

In such a district having fifty (50) or more teachers, the full-time principals shall be paid an additional monthly salary allowance of Fifty (\$50.00) Dollars per month, and the annual salary of such full-time principals shall be the monthly base salary plus increments multiplied by ten (10), except that one (1) of such principals shall receive an additional monthly salary allowance of One Hundred (\$100.00) Dollars per month instead of Fifty (\$50.00) Dollars per month, and the annual salary of such principal shall be the monthly base salary plus increments multiplied by twelve (12).

c. Principals in Districts Having a Four-Year Accredited High School and Having From Nine to Nineteen Classroom Teacher Units. In such a district the teacher who serves as the elementary principal shall receive an additional allowance of Four (\$4.00) Dollars per month for each teacher under his supervision, but not to exceed Forty-eight (\$48.00) Dollars per month, and the classroom teacher serving as part-time high school principal shall be paid an additional salary allowance of Forty-eight (\$48.00) Dollars per month, and the annual salary of such part-time elementary and high school principals shall be the monthly base salary plus increments multiplied by nine (9).

d. Principals in Districts Having a Four-Year Accredited High School and Having Twenty or More Classroom Teachers. In such a district the classroom teachers who serve as part-time principals shall receive an additional salary allowance of Forty-eight (\$48.00) Dollars per month, and the annual salary of such part-time principals shall be the monthly base pay plus increments multiplied by nine (9).

In such a district the full-time principal shall receive an additional salary allowance of Fifty (\$50.00) Dollars per month, and the annual salary of such principals shall be the monthly base salary plus increments multiplied by ten (10), except that in school districts eligible under the terms of this Act for two (2) or more full-time principals, one-half of such full-time principals shall each receive as his annual salary the monthly base salary plus increments multiplied by eleven (11). (No credit for fractions)

7. Superintendents. a. In districts having a four-year accredited high school and eligible for ten (10) or less classroom teacher units, whites and negroes combined, the minimum monthly base salary and increments for teaching experience for superintendents shall be the same as that prescribed in this Act for classroom teachers, to which shall be added Forty (\$40.00) Dollars per month; eleven (11) to nineteen (19) teachers, Sixty (\$60.00) Dollars per month; twenty (20) to twenty-nine (29) teachers, Eighty (\$80.00) Dollars per month; thirty (30) to forty-nine (49) teachers, One Hundred (\$100.00) Dollars per month; fifty (50) to seventy-five (75) teachers, One Hundred Twenty-five (\$125.00) Dollars per month; seventy-six (76) to one hundred (100) teachers, One Hundred Fifty (\$150.00) Dollars per month; one hundred one (101) to

one hundred fifty (150) teachers, One Hundred Seventy-five (\$175.00) Dollars per month; one hundred fifty-one (151) to two hundred (200) teachers, Two Hundred (\$200.00) Dollars per month; two hundred one (201) to three hundred (300) teachers, Two Hundred Twenty-five (\$225.00) Dollars per month; three hundred (300) or more teachers, Two Hundred Fifty (\$250.00) Dollars per month.

b. The annual salary for superintendents shall be the monthly base salary, plus increments, multiplied by twelve (12).

**Total Cost of Professional Salaries.**

Sec. 2. The total cost of professional salaries of positions allowable for purposes of this Act shall be determined by application of the salary schedule to the total number of approved professional units, provided that such professional units are serviced by approved professional position employments.

**Article V.<sup>64</sup>**

**Services. Current Operating Costs.**

Section 1. The total current operating cost for each school district, other than professional salaries and transportation, shall be based upon the number of approved classroom teacher units and such exceptional children teacher units as are utilized for convalescent classes, separate for whites and separate for negroes, and grants therefor shall be allotted and determined in the following manner:

a. Districts having from one (1) to seventy-four (74) such units shall be allotted the sum of Four Hundred (\$400.00) Dollars for each of said units.

b. Districts having from seventy-five (75) to eighty-four (84) such units shall be allotted the sum of Twenty-nine Thousand, Seven Hundred (\$29,700.00) Dollars.

c. Districts having eighty-five (85) or more such units shall be allotted the sum of Three Hundred Fifty (\$350.00) Dollars for each of said units.

**Services. Transportation.**

Sec. 2. The County Superintendents and County School Boards of the several counties of this State, subject to the approval of the State Commissioner of Education, are hereby authorized to annually set up the most economical system of transportation possible for the purpose of transporting pupils from their districts, and within their districts. The county shall be regarded as the unit and state warrants for transportation shall be made payable to a County School Transportation Fund in each county for the total transportation earned within the county to the extent allowed under the provisions of this Act and which shall not exceed the total actual approved cost thereof.

The total annual transportation cost allotment for each district shall be the lesser of the following:

a. Thirty-one and 50/100 (\$31.50) Dollars for nine (9) months transportation per public school pupil, or a proportionate part thereof if such pupil is not transported for nine (9) months; provided that all school districts in counties which have two (2) or more but less than three (3) enumerated scholastics per square mile, for the current year, shall receive Forty-five (\$45.00) Dollars for nine (9) months transportation per public school pupil, or a proportionate part thereof if such pupil is not transported for nine (9) months; provided further, that all school districts in counties which have one (1) or more but less than

<sup>64</sup> Vernon's Ann. Civ. St. art. 292a -15.

two (2) enumerated scholastics per square mile for the current year shall receive Forty-nine and 50/100 (\$49.50) Dollars for nine (9) months transportation per public school pupil, or a proportionate part thereof if such pupil is not transported for nine (9) months; provided further, that all school districts in counties which have less than one (1) scholastic per square mile for the current year shall receive Sixty-three (\$63.00) Dollars for nine (9) months transportation per public school pupil, or a proportionate part thereof if such pupil is not transported for nine (9) months.

b. The actual approved cost of transportation operation in the district, such cost to include bus payment reimbursements, bus driver salaries, and gasoline, oil, and repairs.

In no instance may transportation service allotments be made or granted for pupils transported who attend a grade in another school district, which grade is taught in such pupil's home school district unless the transfer of such pupil has been approved by the County School Board and the State Commissioner of Education.

Unless the County School Board certifies that there is a particular need therefor, and such certificate of duplicate service is approved by the State Commissioner of Education, no transportation aid shall be granted for a pupil being transported out of his home school district if two (2) or more districts are applying for transportation aid from such pupil's home district.

No transportation service allotments or aid shall be granted under any provisions of this Act unless the pupil so transported actually resides more than two (2) miles, measured by the nearest practical route, from the school attended and is transported in an approved bus over an approved route. Provided that in cities having public transportation, no child residing within the city limits of such city shall be eligible to be transported at State expense unless such child resides more than two (2) miles, measured by the nearest practical route, from public transportation service of such city.

Subject to regulations prescribed by the State Board of Education, it is further provided that transportation aid may be granted for pupils who are the children of employees attending from either the State Training School for Boys at Gatesville or State Training School for Girls at Gainesville, or any other State Eleemosynary Institutions.

County Boards of Trustees are hereby authorized to employ bus drivers, and the salary of no bus driver may be paid out of the County School Transportation Fund created herein unless such bus driver is so employed.

Sec. 3. Chapter 3 of Title 20, Revised Civil Statutes, 1925, is hereby amended <sup>65</sup> by the addition of a new Article thereto, to be known as Article 634 (B) and reading as follows:

"Article 634 (B)

"All motor vehicles used for transporting school children, including buses, bus chassis, and bus bodies, tires and tubes, purchased for or by any school district participating in the Foundation School Program, shall be purchased by and through the Board of Control. Passenger cars shall not be included in the above classifications. And no school district nor its officers or employees nor the County School Board shall have the power to purchase for such school district any of such items except in those instances wherein an emergency requires an immediate purchase thereof, to be reported to and approved by the Board of Control.

"Such motor vehicles, including buses, bus chassis, bus bodies, tires

<sup>65</sup> Vernon's Ann.Civ.St. art. 634(B).

and tubes, shall be purchased on competitive bids under such rules and regulations as may be made by the Board of Control. Such purchases shall be made on requisition of a County School Board or a school district. Requisitions, if for the purchase of motor vehicles, buses, bus bodies, or bus chassis, must be presented to and receive the approval of the County School Board and the State Commissioner of Education. Requisitions for the purchase of tires and tubes must be presented to and approved by either the County School Board or the County Superintendent. If, due to climatic and/or road conditions, special equipment is required to guarantee adequate safety and comfort of school children, the school district shall state and describe such requirements in its requisition and the Board of Control shall be required to purchase such equipment that said Board determines is adapted or designed for such conditions or requirements.

"Any such buses, owned by any county or school district, which are to be sold, traded in, or otherwise disposed of, must be disposed of either by the Board of Control, or by the County School Board or the school district under such rules and regulations as the Board of Control may provide, and the sale price or trade-in value of any such buses shall be considered in determining eligibility for transportation grants.

"Compliance with this Section shall be a condition precedent to participation in the Foundation School Fund, and any school district failing or refusing to comply with the terms and conditions of this Section shall be ineligible to share in the Foundation School Fund for one year from the date of such failure or refusal or such violation of the terms hereof.

"This Section shall not require the purchase of buses, bodies, chassis, tires, or tubes through the Board of Control, where the funds therefor are provided by gifts, profits from athletic contests or other such school enterprises in no way supported by tax funds or grants or appropriations from any governmental agency, either State or Federal.

"Any such school district making requisitions for purchase of any of the above named articles shall, when sending in the requisition therefor, include therewith a general description of the article desired and shall certify the funds that will be available to pay therefor.

"Any school district financially unable to comply with the foregoing requirement to make immediate payment for any motor vehicles, including buses, bus bodies or bus chassis, purchased by it may, subject to the provisions hereunder, issue interest-bearing time warrants in amounts sufficient to make such purchase, any law to the contrary notwithstanding. Such warrants shall mature in serial installments not more than five (5) years from the dates of issue, and shall bear interest at a rate of not to exceed six (6%) per cent per annum. Such warrants shall upon maturity be payable out of any available funds of such school district in the order of their maturity dates. Full records of all warrants issued and sold shall be kept by the district and reported to the Board of Control. Such warrants may be issued and sold at not less than their face value, and the proceeds thereof used to provide the funds required for such purchase as herein provided. Such warrants shall be entitled to first and prior payment out of any available funds of such district as they become due.

"The Board of Control shall have the power to make rules or adopt regulations to effectuate the purpose of this Act."

Sec. 4. The sum of the approved salaries for professional positions, the current operating cost other than professional salaries and transportation, and cost of transportation service of each district, computed

and determined in accordance with the provisions of this Act, shall constitute the total cost of the Foundation School Program proposed in this law.

Article VI.<sup>66</sup>

**Finance of Foundation Program.**

Section 1. The Foundation School Program established in this Act shall be financed by:

- a. An equalized local school district effort to the extent hereinafter provided toward the support of this program;
- b. Distribution of the State and County Available School Funds on the basis of the number of scholastics; and
- c. Allocation to each local district a sum of State money appropriated for the purposes of this Act sufficient to finance the remaining costs of the Foundation School Program in that district computed and determined in accordance with the provisions of this Act.

**Total Local School Funds to be Charged to All School Districts in the State.**

Sec. 2. The sum of the amounts to be charged annually against the local school districts of the State toward such Foundation School Program shall be Forty-five Million (\$45,000,000.00) Dollars. The State Commissioner of Education, subject to the approval of the State Board of Education, shall assign each school district according to its taxpaying ability its proportionate part of such Forty-five Million (\$45,000,000.00) Dollars to be raised locally and applied towards the financing of its minimum foundation school program.

**Economic Index for Counties.**

Sec. 3. In determining the taxpaying ability of each school district, the State Commissioner of Education, subject to the approval of the State Board of Education, shall calculate an economic index of the financial ability of each county to support the Foundation School Program. The economic index of a county shall be calculated to approximate the percent of the total taxpaying ability in the State which is in a given county, and shall constitute for the purpose of this Act a measure of one county's ability to support schools in relation to the ability of other counties in the State. The economic index for each county shall be based upon and determined by the following weighted factors:

- a. Assessed valuation of the county—weighted by twenty (20);
- b. Scholastic population of the county—weighted by eight (8);
- c. Income for the county as measured by: Value added by manufacture, value of minerals produced, value of agricultural products, payrolls for retail establishments, payrolls for wholesale establishments, payrolls for service establishments weighted collectively by seventy-two (72).

The economic index determined for each county for the purposes of this Act shall be used for a period of four (4) years, beginning with the 1951-52 school year, and the State Commissioner of Education, subject to the approval of the State Board of Education, shall recompute a new such economic index each four (4) years, taking such information from the most recently available official publications and reports of agencies of the State of Texas or the Federal Government. Provided that should there be a sudden marked decline in the economic activity in a county, an adjustment of the county's economic index may be made by the State Commissioner of Education, subject to the approval of the State Board of Education.

<sup>66</sup> Vernon's Ann.Civ.St. art. 2922—16.

Provided, however, that for the school years 1949-1950 and 1950-1951, the economic index for each county shall be as follows:

Anderson, .363%; Andrews, .379%; Angelina, .277%; Aransas, .055%; Archer, .243%; Armstrong, .063%; Atascosa, .214%; Austin, .211%; Bailey, .128%; Bandera, .036%; Bastrop, .141%; Baylor, .112%; Bee, .201%; Bell, .361%; Bexar, 3.722%; Blanco, .037%; Borden, .032%; Bosque, .143%; Bowie, .358%; Brazoria, 1.583%; Brazos, .181%; Brewster, .103%; Briscoe, .062%; Brooks, .193%; Brown, .202%; Burleson, .105%; Burnet, .079%; Caldwell, .185%; Calhoun, .150%; Callahan, .103%; Cameron, .727%; Camp, .066%; Carson, .302%; Cass, .179%; Castro, .112%; Chambers, .549%; Cherokee, .250%; Childress, .141%; Clay, .227%; Cochran, .265%; Coke, .081%; Coleman, .207%; Collin, .374%; Collingsworth, .123%; Colorado, .277%; Comal, .174%; Comanche, .183%; Concho, .087%; Cooke, .455%; Coryell, .161%; Cottle, .094%; Crane, .328%; Crockett, .249%; Crosby, .151%; Culberson, .048%; Dallam, .123%; Dallas, 7.392%; Dawson, .230%; Deaf Smith, .225%; Delta, .082%; Denton, .317%; DeWitt, .246%; Dickens, .092%; Dimmitt, .099%; Donley, .104%; Duval, .653%; Eastland, .282%; Ector, 1.131%; Edwards, .054%; Ellis, .448%; El Paso, 1.245%; Erath, .159%; Falls, .222%; Fannin, .280%; Fayette, .247%; Fisher, .212%; Floyd, .166%; Foard, .079%; Fort Bend, .674%; Franklin, .190%; Freestone, .160%; Frio, .110%; Gaines, .379%; Galveston, 1.622%; Garza, .117%; Gillespie, .141%; Glasscock, .072%; Goliad, .145%; Gonzales, .169%; Gray, .774%; Grayson, .718%; Gregg, 3.362%; Grimes, .159%; Guadalupe, .297%; Hale, .300%; Hall, .138%; Hamilton, .129%; Hansford, .117%; Hardeman, .161%; Hardin, .231%; Harris, 10.403%; Harrison, .368%; Hartley, .068%; Haskell, .170%; Hays, .107%; Hemphill, .082%; Henderson, .277%; Hidalgo, .973%; Hill, .332%; Hockley, .629%; Hood, .053%; Hopkins, .285%; Houston, .185%; Howard, .407%; Hudspeth, .068%; Hunt, .387%; Hutchinson, .793%; Irion, .054%; Jack, .187%; Jackson, .586%; Jasper, .131%; Jeff Davis, .050%; Jefferson, 4.132%; Jim Hogg, .128%; Jim Wells, .733%; Johnson, .275%; Jones, .393%; Karnes, .208%; Kaufman, .288%; Kendall, .058%; Kenedy, .022%; Kent, .046%; Kerr, .106%; Kimble, .067%; King, .045%; Kinney, .051%; Kleberg, .222%; Knox, .118%; Lamar, .369%; Lamb, .285%; Lampasas, .083%; La Salle, .075%; Lavaca, .187%; Lee, .087%; Leon, .102%; Liberty, .417%; Limestone, .228%; Lipscomb, .094%; Live Oak, .101%; Llano, .074%; Loving, .015%; Lubbock, .728%; Lynn, .211%; Madison, .069%; Marion, .113%; Martin, .074%; Mason, .086%; Matagorda, .442%; Maverick, .117%; McCulloch, .157%; McLennan, 1.183%; McMullen, .059%; Medina, .135%; Menard, .065%; Midland, .135%; Milam, .228%; Mills, .069%; Mitchell, .153%; Montague, .311%; Montgomery, .943%; Moore, .245%; Morris, .048%; Motley, .079%; Nacogdoches, .233%; Navarro, .401%; Newton, .112%; Nolan, .236%; Nueces, 2.195%; Ochiltree, .126%; Oldham, .075%; Orange, .254%; Palo Pinto, .165%; Panola, .262%; Parker, .173%; Parmer, .146%; Pecos, .678%; Polk, .268%; Potter, .748%; Presidio, .091%; Rains, .032%; Randall, .137%; Reagan, .146%; Real, .019%; Red River, .175%; Reeves, .101%; Refugio, .737%; Roberts, .053%; Robertson, .173%; Rockwall, .059%; Runnels, .180%; Rusk, 2.450%; Sabine, .042%; San Augustine, .049%; San Jacinto, .074%; San Patricio, .671%; San Saba, .111%; Schleicher, .066%; Scurry, .126%; Shackelford, .153%; Shelby, .120%; Sherman, .119%; Smith, .772%; Somervell, .020%; Starr, .282%; Stephens, .200%; Sterling, .043%; Stonewall, .059%; Sutton, .062%; Swisher, .112%; Tarrant, 3.447%; Taylor, .412%; Terrell, .054%; Terry, .183%; Throckmorton, .088%; Titus, .298%; Tom Green, .396%; Travis, 1.103%; Trinity, .069%; Tyler, .094%; Upshur, .444%; Upton, .300%; Uvalde, .135%;



### Local Funds Available in Each County.

### Local Funds to be Charged to Each District.

Provided that the amount of local funds assigned to a contract district, as provided for in Article III of this Act, shall be assigned to the receiving district and all local taxes, except those required for the inter-

est and sinking fund, shall be credited as collected to the receiving district.

If a district other than such a contract district has no school, the amount of local funds assigned to such district shall be assigned for the current year to the receiving district in which such children attend school and the local tax funds collected shall be transferred to such receiving district; provided that if pupils from such a district attend schools in more than one receiving district, such local fund assignments and local tax funds shall be divided for the current year between such receiving districts proportionately according to the number of transfers to each receiving district.

If any school district which has a budgetary income, as provided in Article VI, Section 1, Subsections a and b, in excess of the amount needed to operate a minimum foundation school program as provided herein and transfers pupils to another district, such sending district shall pay a proportionate part of such excess based upon the ratio of the number transferred to the number of enumerated scholastics, to the district or districts to which such pupils are transferred, and such amount shall be charged to the receiving school.

The sum of the amounts assigned to the several portions of a county-line school district shall be the amount assigned to be raised by such district toward the financing of its foundation school program.

No school district shall be eligible to receive foundation school funds authorized herein which lowers its total school tax rate within two (2) years of the effective date of this Act, if the reduction of such tax rate would reduce the local maintenance tax receipts, such district to be ineligible for a period of one (1) year; provided, however, that any district whose maintenance and bond tax rates total more than One and 50/100 (\$1.50) Dollars per One Hundred (\$100.00) Dollars school district assessed valuation may reduce the total tax rate to One and 50/100 (\$1.50) Dollars per One Hundred (\$100.00) Dollars school district assessed valuation.

The County Tax Assessor-Collector in each county, in addition to his other duties prescribed by law, shall certify to the State Commissioner of Education in Austin, Texas, not later than December 1st of each year, the following information:

- (1) The assessed valuation, on a State and county valuation basis, of all property subject to school district taxation in each school district or portion of school district in such county, and the total assessed valuation of all property subject to school district taxation in the county;

- (2) The total area of each school district; and

- (3) The area within each school district comprised of State University-owned land, State-owned prison land, Federal-owned forestry land, Federal-owned military reservations, and Federal-owned Indian reservations.

Should any County Tax Assessor-Collector fail to submit such certificates to the State Commissioner of Education as provided for herein, the State Comptroller of Public Accounts is hereby directed to submit such information, estimating when necessary. As soon after the receipt of such certificates as practicable, and prior to the time that the respective tax rates for the school districts of the county have been set, the State Commissioner of Education shall notify each school district as to the amount of local funds that such district is assigned to raise for the succeeding school year.

If there has been a marked increase or decrease in the assessed valuation of a school district within a county, and if the County School Board certifies that the use of the county and school district valuations for the

preceding year in determining local fund assignments to the school districts in the county would be inequitable, and recommends a different distribution of the county total than that made by the State Commissioner of Education, such recommendations, subject to the approval of said Commissioner, shall become and be the lawful local fund assignments to such districts.

Provided, however, that in determining the amount of local funds to be assigned to the respective school districts for the 1949-50 school year, the State Comptroller of Public Accounts is hereby directed to submit to the State Commissioner of Education the following information:

(1) The assessed valuation, on a State and county valuation basis, of each school district or portion of school district in each county, giving the total assessed valuation of all property subject to school district taxation of the county;

(2) The total area of each school district; and

(3) The area within each school district comprised of State University-owned land, State-owned prison land, Federal-owned forestry land, Federal-owned military reservations, and Federal-owned Indian reservations, such information to be submitted to said Commissioner not later than forty-five (45) days after the effective date of this Act. As soon after the receipt of such certificates as practicable, said Commissioner shall notify each school district as to the amount of local funds that such district will be assigned to raise for the 1949-50 school year.

Provided further, that any local maintenance funds in excess of the amount assigned to a district as determined by this Section may be expended for any lawful school purpose or it may be carried over as a balance into the next school year.

#### Article VII<sup>67</sup>

No provision of this Act shall be interpreted inimically to the status that was heretofore enjoyed by the private or parochial schools operating in the State of Texas that they, the graduates and staff, shall receive credit as in the past upon their capacities to meet the requirements of the high school.

#### Article VIII.<sup>68</sup>

Within thirty (30) days from the effective date of this Act, the County Board of Trustees of the several counties of the State are hereby authorized and required to consolidate by order of said Board each dormant school district within the county (as herein defined) with an adjoining district or districts. The term "dormant" as used herein shall mean any school district that fails, for any two (2) successive years subsequent to 1946-1947 school year, to operate a school in the district for the race having the greater number of enumerated scholastics in the district. The Board of Trustees for the district with which such dormant school district is consolidated shall continue to serve, and be, the Board of Trustees for the new district. In each such case, the consolidation order of the County Board of Trustees shall define by legal boundary description the territory of the new district as so enlarged and extended, and said order, including the description of the district, shall be recorded in the minutes of the County Board of Trustees and otherwise as provided by law. Elections shall be held in such consolidated districts for the assumption of outstanding bonds, if any, for the levying of taxes therefor, and for the levying of a local maintenance tax; said elections to be ordered and held as now provided by law.

<sup>67</sup> Vernon's Ann.Civ.St. art. 2922—17.

<sup>68</sup> Vernon's Ann.Civ.St. art. 2922—18.

If a countyline district is or becomes dormant, as herein defined, the provisions of this Act shall apply and be followed by the several counties affected to the extent of the territory in each respective county.

It is hereby declared to be the intention of the Legislature that all property subject to school district taxation within the State of Texas be included within the limits of a school district and that a proper and proportionate tax be paid thereon for school purposes. Within thirty (30) days from the effective date of this Act, and at any time that it may be determined there is territory located in a county and not within the described limits of a school district, the County Board of Trustees of such county are hereby authorized and required to add such territory to an adjoining district or districts and the provisions herein made with reference to recording and defining the area of the new district thus enlarged, with reference to assumption of bonds, authorization of a tax therefor, and for a local maintenance tax, shall be followed in all such cases.

The provisions herein for the consolidation of school districts by order of the County Board of Trustees shall be applicable only in the instances and circumstances herein enumerated, and shall not be construed to repeal, supersede or limit any existing statute providing other methods for school district consolidation and annexation.

#### Article IX.<sup>69</sup>

Any person, county or school district aggrieved by any action of the Central Education Agency may appeal to a court of competent jurisdiction in Travis County, Texas. Such appeals shall be taken by serving the Commissioner of Education with citation duly issued by the Clerk of the Court, and the same shall be served in the manner provided by law in the service of citations in suits of a civil nature, and at the expiration of twenty (20) days after the service of said citation, the said cause shall thereupon stand for trial, and such trial shall include a determination of all issues, both law and fact. Such notice of appeal, or citation, shall state the action from which the appeal is taken, and if the appeal is from an order of the Board, stating such order or the part thereof from which the appeal is taken. All members of the Board who shall incur expense on account of the trial of any proceeding in District Court incident to appeal from actions of the Board, shall receive the necessary and proper expenses, including traveling expenses incident thereto, same to be paid by the State in the same manner and by the same proceeding as other expenditures are authorized.

#### Article X.<sup>70</sup>

It shall be the duty of the State Board of Education, State Board of Vocational Education and the State Commissioner of Education to take such action, require such reports, and to make such rules and regulations, not inconsistent with the terms of this Act, as may be necessary to carry out the provisions of this Act. The State Commissioner of Education shall determine annually, beginning for the 1949-1950 school year:

(1) the amount of money necessary to operate a Foundation School Program in each school district, as provided in this Act;

(2) the amount of local funds to be assigned and charged to each school district as provided in this Act; and

(3) the per capita apportionment from State and County Available School Funds available to each school district.

Said Commissioner shall then grant, subject to the provisions of this Act, to each school district from the appropriation to the Foundation

<sup>69</sup> Vernon's Ann.Civ.St. art. 2922—19.

<sup>70</sup> Vernon's Ann.Civ.St. art. 2922—20.

School Fund the amount of funds necessary to provide the difference between item (1) in the preceding sentence and the sum of items (2) and (3) in the preceding sentence. Said Commissioner shall approve warrants to each school district totaling the amount of such grant. Warrants for all money expended according to the provisions of this Act shall be approved and transmitted to treasurers of depositories of school districts in the same manner as warrants for State apportionment are now transmitted.

Provided, however, that from and after the effective date of this Act and until the State Board of Education shall have been elected and the State Commissioner of Education shall have been appointed and qualified, as provided in Senate Bill No. 115, Acts of the 51st Legislature of the State of Texas, the State Auditor shall take over and perform all of the duties herein assigned to the State Commissioner of Education and is hereby authorized to do and perform all acts necessary to put this Act into effect, and to operate and administer the same.

There is hereby appropriated out of the General Revenue Fund of the State Treasury, not otherwise appropriated, the sum of Ninety-six Thousand, Two Hundred Thirty (\$96,230.00) Dollars to be expended by the State Auditor for the purpose of carrying out the provisions of this Act. The State Auditor shall have full authority to employ all necessary personnel for the purpose of carrying out the provisions of this Act, provided that full reports shall be made to the Legislative Audit Committee of the State of Texas.

In carrying out the provisions of this Act, the State Board of Education, and all State Departments, school officials and employees, are hereby directed to furnish to the State Auditor such reports, records and other information as he may require in carrying out the provisions of this Act.

#### Article XI.<sup>71</sup>

##### Conversion and Fraud.

Section 1. Any person who shall confiscate, misappropriate or convert moneys appropriated to the Foundation School Fund to carry out the purposes of this Act after such moneys are received by the school district or County Board of School Trustees in accordance with the terms hereof, shall be guilty of a felony and upon conviction be punished by confinement in the State Penitentiary for any term of years not less than one (1) nor more than five (5). Any person who shall knowingly make any false statement, or shall falsify or permit to be falsified, any record, form, report or budget required under this Act, or the rules of the State officials charged with the enforcement of this Act, in any attempt to defraud the State or its school system as a result of such Act, shall be guilty of a felony, and upon conviction shall be punished by confinement in the State Penitentiary for any term of years not less than one (1) nor more than five (5). Provided that such proceedings shall be instituted by the proper District or County Attorney in accordance with Article 339, Revised Civil Statutes, or any other law appertaining thereto. Should any change or error in the records, forms, reports or budgets result in any school district receiving from the Foundation School Fund more or less than it would have been entitled to receive had said records been correct, the State Commissioner of Education shall correct such error, and so far as practicable shall adjust the payment in such a manner that the amount to which such district was correctly eligible shall be paid.

<sup>71</sup> Vernon's Ann.Civ.St. art. 2922—21.

**Violation of Provisions.**

**Sec. 2.** Any person, including any county superintendent or ex-officio county superintendent, school bus driver, school trustee, or any district superintendent, principal or other administrative personnel, or teacher of a school district, or its treasurer or proper disbursing officer, who violates any of the provisions of this Act other than those to which Section 1 of Article XI of this Act applies, shall be guilty of a misdemeanor and shall be fined not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars. Provided that such proceedings shall be instituted by the proper District or County Attorney upon receipt of information from the State Commissioner of Education.

Provided further, that if any person shall knowingly submit incorrect information to the Central Education Agency in any sworn report required by this Act or by the rules of the Agency or the State Commissioner of Education for the honest administration of this Act, such offenses shall constitute false swearing and shall be punished as prescribed by law for that offense.

**Article XII,<sup>72</sup>****Repealing and Constitutional Clause.**

All laws or parts of laws in conflict herewith are hereby repealed to the extent of such conflict. If any clause, sentence, paragraph, section or sub-section of this Act is declared unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Act shall nevertheless remain in full force and effect.

**Article XIII.****Emergency Clause.**

The need for a general statute by which every school district in Texas may qualify, on an objective basis, for the necessary funds with which to operate a minimum Foundation School Program, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days in each House be suspended; and said Rule is hereby suspended, and this Act shall take effect and be in full force from and after its passage, and it is so enacted.

Passed the Senate, February 23, 1949: Yeas 27, Nays 2; May 5, 1949, Senate refused to concur in House amendments, and requested appointment of Conference Committee; May 10, 1949, request granted; May 31, 1949, Senate adopted Conference Report: Yeas 23, Nays 4; passed the House, April 28, 1949, with amendments: Yeas 111, Nays 22; May 10, 1949, House granted request of Senate for appointment of Conference Committee; June 1, 1949, House adopted Conference Report: Yeas 110, Nays 24.

Approved June 8, 1949.

Effective June 8, 1949.

<sup>72</sup> Vernon's Ann.Civ.St. art. 2022—22.